

# **COUNTY OF YORK**

## **MEMORANDUM**

**DATE:** October 30, 2000 (BOS Mtg. 11/21/00)

**TO:** York County Board of Supervisors

**FROM:** Daniel M. Stuck, County Administrator

**SUBJECT:** Application Nos. ZM-52-00 and UP-561-00, Pyong Tuk Ko

### **ISSUE**

Application No. ZM-52-00 is a request to amend the York County Zoning Map by conditionally reclassifying a 0.7-acre parcel located at 601 Hampton Highway (Route 134) from R20 (Medium Density Single Family Residential) to NB (Neighborhood Business). The parcel is located in the southeast quadrant of the intersection of Route 134 and Route 171 and is further identified as Assessor's Parcel No. 37-(24)-A. Application No. UP-561-00, which is contingent on the approval of Application No. ZM-52-00, is a request for a special use permit, pursuant to Section 24.1-306 (Category 9, No. 2) of the York County Zoning Ordinance, to establish an exercise/fitness center (Tae Kwon Do) within an existing building on the property described above. The applications are being considered together since they are inextricably linked.

### **DESCRIPTION**

Property Owner: Riley B. Lowe

Location: 601 Hampton Highway (Route 134)

Area: 0.7 acre

Frontage: 230 feet on Victory Boulevard and 200 feet on Hampton Highway

Utilities: Water and sanitary sewer available

Topography: Flat

2015 Land Use Map Designation: Medium Density Residential

Zoning Classification: R20 (Medium Density Single-family Residential)

Existing Development: Vacant 7-11 store (2,883 square feet)

Surrounding Development:

North:	Victory Boulevard (Route 171)
South:	Town and Country real estate office
East:	Edgewood subdivision
West:	Hampton Highway (Route 134)

Proposed Development: Exercise/Fitness Center

### **CONSIDERATIONS/CONCLUSIONS**

1. The applicant is requesting to amend the Zoning Map by reclassifying from R20 (Medium Density Single Family Residential) to NB (Neighborhood Business) a parcel located in the southeastern quadrant of the intersection of Route 171 (Victory Boulevard) and Route 134 (Hampton Highway). In addition to the reclassification, the applicant is seeking a special use permit to establish a martial arts training facility in a former 7-11 store (vacant since January 1995) on the parcel described above. This parcel is zoned R20 for residential use. The Comprehensive Plan designates this area as Medium Density Single-Family Residential.
2. In evaluating the rezoning application, it is important that the Board consider not just the proposed use – a Tae Kwon Do center – but also any other uses that are permitted as a matter of right in the NB district. Although the use permit is contingent on approval of the rezoning, there is no guarantee that the Tae Kwon Do center will actually be established even if the use permit application is approved, nor is there any guarantee that the center, once established, will remain in operation forever. As stated in the Zoning Ordinance, “The NB district is intended to provide opportunities for limited types of commercial activities within or near residential districts and oriented primarily toward serving the day-to-day needs of nearby residential communities. The scope of commercial activities permitted is purposely limited in order to discourage substantial traffic from outside the immediate neighborhood... Because of the proximity to residences, particular attention is given to design and operational compatibility with homes.”

The following uses will be permitted as a matter of right if the rezoning application is approved:

<ul style="list-style-type: none"><li>• Farmer’s market</li><li>• Places of worship</li><li>• Antique stores</li><li>• Clothing stores</li><li>• Grocery stores and gourmet food stores</li><li>• Book stores</li><li>• Piece goods shops</li><li>• Bike stores</li></ul>	<ul style="list-style-type: none"><li>• Barber/beauty shops</li><li>• Pre-school/day care</li><li>• Dry cleaning/tailors, shoe repair</li><li>• Banks and freestanding ATMs</li><li>• Offices</li><li>• Professional pharmacies</li><li>• Neighborhood shopping centers</li><li>• Camera shops</li><li>• Florists</li></ul>
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These are relatively low-impact uses that do not generate significant amounts of noise or heavy truck traffic and, as such, can be compatible with residential development. I am confident that the limited size of the parcel combined with the limitation on permitted uses will help to ensure that Neighborhood Business development will not have any adverse impacts on single-family detached homes in the Edgewood subdivision to the rear.

3. The only properties that may be affected by the proposed use – or any other NB use that might eventually be located there – are single family homes immediately behind the building in the subdivision. A six-foot serpentine brick wall bounds the perimeter of the subdivision and serves as a screening fence. The wall will lessen noise and visual impacts generated by the facility. The subject property also has several mature trees (large evergreens) that appear to have been installed to serve as a buffer between the 7-Eleven store and the Edgewood subdivision. If approved, a 25-foot transitional buffer will be required between the building and the Edgewood subdivision. I

recommend that this buffer remain and serve as a supplement to the performance standards and transitional buffer requirements in the Zoning Ordinance. Because both properties are currently developed, the Zoning Ordinance stipulates that the responsibility of implementing the buffer be shared by both properties. This means that the subject property will be required to install a 12-½ foot transitional buffer on its side.

4. Adequate parking for the facility must be provided to ensure the safety of the patrons. For parking calculation purposes, the proposed martial arts facility would be considered a “recreational or amusement establishment” in accordance with Section 24.1-608 in the Zoning Ordinance. The parking requirements for such facility would require the provision of 28 parking spaces based on the square footage of the facility. Staff has determined that the existing parking lot on the site can accommodate 29 parking spaces, a sufficient number to meet the requirements of the Zoning Ordinance. According to the applicant, most patrons using the Tae Kwon Do facility are children who are dropped off at the site. Consequently, there will be little demand pressures for parking on site.
5. Although trip generation data for this type of use is not available, I do not believe that the proposed use will generate significant traffic. According to the Institute of Transportation Engineers Trip Generation Manual, 6<sup>th</sup> Edition, a health club of similar size would generate approximately 12 weekday peak-hour trips on Route 134; however, this figure is based on a single study and therefore is not reliable other than as a frame of reference. The relatively small volume of traffic that will be added to Hampton Highway as a result of the center and will not adversely affect existing conditions.
6. I recommend that one freestanding monument style sign be permitted for the proposed exercise facility. Monument style signs are in keeping with the character of the Route 134 corridor and can set the tone for future development at this intersection. All other signage, including wall signage, must be consistent with the sign regulations in the Zoning Ordinance for those properties in the Neighborhood Business district. I would like to point out that the applicant has a martial arts facility in the City of Newport News with several life-size characters in a martial arts pose painted on the sides of the building. I do not believe that such art should be allowed on the exterior of the building without considering it as signage or advertising for the business. Therefore, the approving resolution includes a condition prohibiting graphic art on the outside of the building, unless the applicant wishes to count it toward the sign area that is permitted by right in the Zoning Ordinance.
7. As part of the proposal, the applicant has voluntarily proffered to exclude carryout restaurants and convenience stores, both of which would otherwise be permitted with a special use permit under a Neighborhood Business reclassification. I believe that these uses have the most potential to create negative impacts on the roadways and surrounding land uses and support the applicant’s proffer statement to prohibit these uses.

#### **PLANNING COMMISSION RECOMMENDATION**

The Planning Commission considered this application at its October 11 meeting and, subsequent to conducting a public hearing at which only the applicant spoke, voted 6:0 (Mr. Heavner absent) to recommend approval.

#### **COUNTY ADMINISTRATOR RECOMMENDATION**

The Comprehensive Plan designates this property for Medium Density Residential uses; however, this designation does not reflect the unique history and characteristics of the property. The property is not well suited for residential uses because of its location, size, and configuration. The subject property also occupies the corner of a major intersection with high traffic volumes and high visibility, not exactly ideal for residential uses. Furthermore, for the last five years, the building on the site has remained vacant and the property has not attracted a user. The result is that the site is unkempt and has become an eyesore for the community. Because of these issues, I believe the property is more suited for commercial uses than residential. Therefore, I recommend that the zoning classification be changed to NB (Neighborhood Business), which more accurately reflects the appropriate land use of this site. The NB district is intended for those properties that are suited for commercial activities but are located within or near residential districts. The scope of commercial activities permitted is purposely limited and the uses are oriented primarily toward the day-to-day needs of nearby residential communities.

This request represents an opportunity for the County to permit the re-use of a long-vacant commercial building in a manner that is compatible with nearby residential development. Because this request is an indoor exercise facility, potential external impacts on the adjacent community will be limited. Furthermore, rezoning the property to conditional NB will designate this corner for appropriate neighborhood commercial uses, something that is logical considering the location, character, and likely land uses that are suitable for this site. Therefore, I recommend that the Board approve these applications subject to the proffers volunteered by the property owner and set forth in proposed Ordinance No. 00-21 (rezoning), and to the conditions recommended in proposed Resolution R00-178 (use permit).

Cross/3496

Attachments

- Excerpts of unapproved Planning Commission minutes, October 11, 2000
- Zoning Map
- Survey plat
- Proffer statement
- Proposed Ordinance No. 00-21
- Proposed Resolution No. R00-178